

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS TESTAMENTARY PETITION (LODGING) NO. 144 OF 2024
IN
TESTAMENTARY PETITION NO. 247 OF 1988**

Bhadra Ashwin Sanghavi and another ... Petitioners

In the matter between:

Harshad Babubhai Goradia and another ... Original Petitioners

vs.

Hema Jagat Parekh and others ... Respondents

**ALONGWITH
INTERIM APPLICATION (LODGING) NO. 12643 OF 2024
IN
TESTAMENTARY PETITION NO. 243 OF 2022
(Not on board. Taken on board.)**

Mr. Vivek Kantawala a/w. Mr. Amey Patil and Mr. Shanay Bafna, i/b. Vivek M. Sharma for petitioners.

Mr. Nitin Thakkar, Senior Advocate, a/w. Ms. Priya Ranade and Ms. Nupur Desai, i/b. Markand Gandhi & Co. for respondent No.2.

Mr. Milind Prabhune for respondent No.3 and for petitioner in MPT/243/22.

CORAM : MANISH PITALE, J.

DATE : 19th APRIL, 2024

P.C. :

. This is a petition seeking revocation of grant of probate. This Court is informed that Miscellaneous Petition No.243 of 2022 is also filed before this Court, seeking revocation of the said petition.

2. It would be in the interest of justice that both the petitions are taken up for consideration together.

3. This Court is informed that respondent No.1, who was one of the two executors, has, in the meanwhile, expired, during the pendency of the

petitions. The other executor is respondent No.2 in these petitions and hence, the name of respondent No.1 can be deleted from the array of respondents in both the petitions.

4. In fact, in Miscellaneous Petition No.243 of 2022, Interim Application (Lodging) No. 12643 of 2024 appears to have been filed for bringing on record legal heirs of the deceased executor (respondent No.1). In that light, Miscellaneous Petition No.243 of 2022 alongwith the said pending application, is taken on board.

5. Considering the fact that respondent No.1 was one of the executors concerning the subject Will, upon his demise, there is no question of bringing his legal heirs on record, particularly when the other executor is before this Court as respondent No.2. In that light, respondent No.1 in both the petitions, stands deleted.

6. Hence, Interim Application (Lodging) No. 12643 of 2024 filed in Miscellaneous Petition No.243 of 2022 is disposed of.

7. Reply affidavits in both the miscellaneous petitions be filed within three weeks from today. Rejoinder affidavit, if any, be filed within two weeks thereafter.

8. List both the petitions for hearing/disposal on 19.06.2024.

9. Department is directed to keep the papers pertaining to Petition No.247 of 1988 available for this Court on the next date of hearing.

10. The advocates for the parties are granted permission to inspect the record pertaining to Petition No.247 of 1988.

(MANISH PITALE, J.)